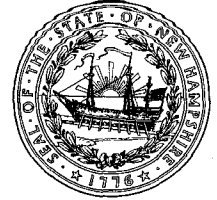




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

LETTER OF DEFICIENCY
WET 06-108

September 27, 2006

CNDJ Development LLC
PO Box 253
Henniker, NH 03242

RE: DES Wetlands File #2006-02361 Forest Street, Bradford

Dear Mr. McAllister:

On September 20, 2006, personnel from the Department of Environmental Services ("DES") conducted a site inspection of the above referenced property, more specifically referenced on Town of Bradford Tax Map 11 as Lot 8,9 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Env-Wt 100-800.

During the inspection the following deficiencies were documented:

1. Areas of bare soils on steep slopes and in the location of the level spreader were observed. Erosion controls had been installed on site however they were inadequate to handle site conditions and failed in several locations. As a result, approximately 2500 square feet of sediment had been deposited in jurisdictional wetlands.

In response, you are requested to take the following actions, as agreed to at the site visit on September 20, 2006 by your contractor Henniker Crushed Stone:

1. Immediately install and maintain erosion controls to prevent further wetland impacts. Additional site stabilization such as installation of erosion control mats may be necessary where seeding and mulching does not take before the end of the growing season.
2. **Within 30 days of the date of this Letter of Deficiency**, remove the sediment located within jurisdictional wetlands, using hand tools only.
3. **Within 30 days of the date of this Letter of Deficiency**, remove the sediment deposited adjacent to the wetlands if it has the potential to wash into jurisdictional areas.
4. **Within 45 days of the date of this Letter of Deficiency**, submit photo documentation and a site sketch indicating the following has been accomplished:
 - (a) adequate erosion controls have been installed;
 - (b) the site is stable and measures have been implemented to ensure that the site will remain stable during winter and spring conditions, and
 - (c) the sediment has been removed from areas located in and adjacent to the wetlands as requested in #1 and #2 above.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Dawn Buker
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Dawn Buker at (603) 271-4066 or email at dbuker@des.state.nh.us.

Sincerely,



Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7006 0100 0005 8153 5481

cc: Rene Pelletier, Asst. Director, Water Division
Gretchen R. Hamel, Administrator, DES Legal Unit
Bradford Conservation Commission
Bradford Board of Selectmen
USACOE
Tom Patenaude, Henniker Crushed Stone